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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/524,991	02/23/2006	Atsushi Takahashi	10114961	3219
34283	7590	07/12/2007	EXAMINER	
QUINTERO LAW OFFICE, PC 2210 MAIN STREET, SUITE 200 SANTA MONICA, CA 90405			MAI, HAO D	
		ART UNIT	PAPER NUMBER	
		3732		
		MAIL DATE	DELIVERY MODE	
		07/12/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/524,991	TAKAHASHI, ATSUSHI
	Examiner Hao D. Mai	Art Unit 3732

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 23 February 2006.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-6 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-4 is/are rejected.
- 7) Claim(s) 5-6 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 26 February 2006 is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.	6) <input type="checkbox"/> Other: _____.

## **DETAILED ACTION**

### *Claim Objections*

1. **Claims 5-6** are objected to under 37 CFR 1.75(c) as being in improper form because they are multiple dependent claims depending on multiple depending claims. See MPEP § 608.01(n). Accordingly, the claims 5-6 have not been further treated on the merits.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gozzi et al. (6,254,468) in view of Wiseman (2,789,352).**

4. **Regarding claim 1, and 3-4,** Gozzi et al. disclose dental tool (Fig. 1) for treatments of surfaces comprising a core 3 with conical profile, a shaft 2 connecting to a spindle or rotary instrument, and a grindstone sponge 4. It is inherent that the grindstone sponge 4 can inherently be immersed in water prior to operation.

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5. However, Gozzi et al. are silent to a hollow core (claim 1) having a water soluble agent being disposed from therein (claims 3-4). Wiseman teaches of a prophy chip with a hollow core 18 that contain and dispense tooth polishing material 19. It would have been obvious to one having ordinary skill in the art at the time the invention was made to replace Gozzi et al.'s core with Wiseman's hollow core for the purpose of containing and dispensing tooth polishing material.

6. Official notice is taken that the use of a water soluble agent consisting of a foaming agent, a sweetener, a fragrance, a medication for inhibiting or preventing periodontal disease or dental caries, or a coating agent along with such prophy chip tool during teeth cleaning and/or polishing is well known in the art. It would have been obvious to one having ordinary skill in the art at the time the invention was made to replace Wiseman's tooth polishing material with such water soluble agent.

7. **Regarding claim 2**, Gozzi et al disclose the grindstone sponge 4 comprises of a rubber-elastic mass (latex sponge) in which abrasive grains (grindstone) are embedded (*column 1 lines 22-26*).

### *Conclusion*

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Jefferies et al (5,078,754) and Buzzell (3,243,925) have been included because they disclose dental surface polishing devices.

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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hao D. Mai whose telephone number is (571) 271-3002. The examiner can normally be reached on Mon-Thur 7:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cris Rodriguez can be reached on (571) 272-4964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HDM 07/09/2007



THAO X. LE  
PRIMARY PATENT EXAMINER